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June 29, 2022

Via ECF

Hon. John P. Cronan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Javier Monge v. Johnny B's Realty LLC et al* (JPC) / 21-cv-7664

Dear Judge Cronan:

I represent the plaintiff, Javier Monge, in the above-referenced matter. Plaintiff submits this letter motion seeking clarification of Your Honor's June 29 order denying Plaintiff's discovery motion (Docket No. 41). Plaintiff requested an Order compelling Defendant to provide long overdue discovery Responses. Defendant, in its opposition, requested until July 5, to provide its Responses. Your Honor denied Plaintiff's request and did not address Defendant's request. Is Plaintiff to conclude that he is not entitled to discovery? Plaintiff once again requests that Defendant be ordered to comply with the courts discovery schedule and immediately provide discovery, or to clarify why Plaintiff is not entitled to such relief. Plaintiff also requests that the Court set down a schedule for Plaintiff to seek a default judgment against the co-defendant landlord, Johnny B's Realty LLC.

Regarding mediation, Plaintiff is *not* amenable, as Defendant has shown an unwillingness to settle this matter and is simply attempting to further delay the resolution of this case. Plaintiff is seeking the discovery it needs to resolve this matter, either through summary judgment or trial.

Finally, Plaintiff is forced to seek a default judgment against the landlord, since the tenant who has appeared, has neglected this matter, has caused substantial delay in resolving, and is not

amenable to settlement. Plaintiff requests that the court set down a schedule for Plaintiff to file a default motion.

In light of the above, Plaintiff seeks an order clarifying its prior order regarding discovery and set down a schedule for Plaintiff to file a default motion. Thank you.

Respectfully submitted,

/s/Jennifer E. Tucek
Bar No. JT2609

Defendant Rugo, LLC may have until July 5, 2022 to produce its initial disclosures and discovery responses to Plaintiff. In light of Defendant's agreement to produce discovery responses to Plaintiff, Plaintiff's request for an order compelling Defendant to produce the same is denied without prejudice. To the extent Plaintiff has any outstanding discovery issue that requires the Court's attention, Plaintiff must first confer in good faith with Defendant, in person or by telephone, in an effort to resolve the dispute as set forth in 5.C of the Court's Individual Rules and Practices in Civil Cases. If this meet-and-confer process does not resolve the dispute, Plaintiff may then file a letter motion on the docket.

Plaintiff's request to move for default judgment as to Defendant Johnny B's Realty LLC at this time is denied without prejudice. The Court will permit Plaintiff to move for default judgment as to this Defendant after the parties have resolved the issue of liability and damages as to Defendant Rugo, LLC.

SO ORDERED.

Date: June 30, 2022
New York, New York



JOHN P. CRONAN
United States District Judge